

LEGAL PROOF OF PUBLICATION

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| 263982 | 0003477520 | LEGAL NOTICE NOTICE OF MITIGATION PLAN | SWID Mitig Plan | \$239.38 | 2 | 75 |

Attention: DENISE MALINE

IDAHO DEPT OF WATER RESOURCES / SOUTH
650 ADDISON AVE W SUITE 500
TWIN FALLS, ID 83301

LEGAL NOTICE

**NOTICE OF MITIGATION PLAN SUBMITTED BY SOUTHWEST
AND GOOSE CREEK
IRRIGATION DISTRICTS
AND THE SURFACE
WATER COALITION**

Notice is hereby given that, on January 4, 2018, Southwest Irrigation District and Goose Creek Irrigation District (collectively, "SWID"), and A&B Irrigation District, American Falls Reservoir District #2, Miller Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company (collectively, the "Surface Water Coalition"), through counsel of the firms Parsons, Smith, Loveland, Stone & Shirley LLP, 137 West 13th St., P.O. Box 910, Burley, Idaho, 83318; Barker Rosholt & Simpson LLP, P.O. Box 63, Twin Falls, Idaho 83303-0063; and Fletcher Law Office, P.O. Box 248, Burley, Idaho 83318, submitted to the Idaho Department of Water Resources ("Department") a Joint Motion for Approval of Mitigation Agreement ("Motion"). Attached to the Motion as Exhibit A is a Mitigation Agreement executed by SWID and the Surface Water Coalition.

SWID represents numerous landowners who hold ground water rights for irrigation, commercial, and other non-de minimis consumptive uses located within the Eastern Snake Plain Aquifer and other areas of Cassia and Twin Falls Counties. Certain of these ground water rights have priority dates junior to the priority dates of surface water rights held by the Surface Water Coalition. The Mitigation Agreement intends to benefit senior water rights held by members of the Surface Water Coalition involved in the Surface Water Coalition delivery call.

In the Mitigation Agreement, SWID agrees to undertake "aquifer mitigation actions during the years 2018-2026" including groundwater recharge, conversions, and voluntary curtailment "to meet the groundwater level benchmarks and the groundwater level goal set forth" in paragraph seven of the agreement. SWID also agrees that landowners within SWID will not irrigate with any ground water prior to April 1 or after October 31 within a given irrigation season. In exchange, the Surface Water Coalition "agrees that junior priority ground water rights held by SWID members . . . shall not be subject to curtailment in response to" the Surface Water Coalition delivery call during the term of the agreement. The Mitigation Agreement "is a perpetual agreement." SWID and the Surface Water Coalition ask that the Director "approve the Mitigation Agreement" and "recognize that [SWID's] members' junior priority ground water rights are not subject to curtailment or any further mitigation requirements in response to" the Surface Water Coalition delivery call "during the term of the Mitigation Agreement."

The Department will process the Motion and Mitigation Agreement pursuant to the Department's Conjunctive Management Rules (IDAPA 37.03.11). A complete copy of the Motion is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the following website link:

<https://idwr.idaho.gov/files/legal/CM-MP-2010-001/CM-MP-2010-01-20180104-Joint-Motion-for-Approval-of-Mitigation-Plan.pdf>

The Department has not determined the adequacy of the proposed Mitigation Agreement. Any protest against approval of the Mitigation Agreement must be filed with any Department office, together with a protest fee of \$25, on or before February 5, 2018. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for SWID and the Surface Water Coalition.

Gary Spackman, Director

Pub. Jan. 18,25, 2018

0003477520-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 01/18/2018

Ending issue of: 01/25/2018

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

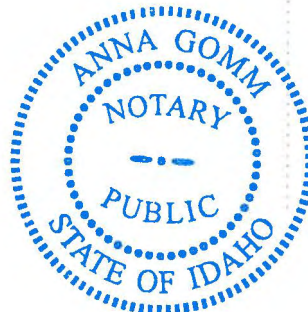
COUNTY OF ADA)

On this 26th day of January in the year of 2018 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Anna Gomm
Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 08/17/2022



✓ ok DM 2/5/2018